

	*	In the
IN THE MATTER OF	*	Court of Appeals
LEGISLATIVE DISTRICTING	*	of Maryland
OF THE STATE	*	Misc. No. 19
	*	September Term, 2001

O R D E R

Pursuant to the provisions of § 5 of Article III of the Constitution of Maryland, the Governor's legislative districting plan, introduced as House Joint Resolution No. 3 and Senate Joint Resolution No. 3, became effective on February 22, 2002. The resolutions contained a legislative districting plan setting forth the boundaries of the legislative districts for the election of members of the Maryland Senate and the House of Delegates in 2002.

The Court of Appeals of Maryland, by § 5 of Article III of the Constitution of Maryland, is vested with original jurisdiction to review the 2002 legislative districting plan upon petition of any registered voter, and to "grant appropriate relief, if it finds that the districting of the State is not consistent with requirements of either the Constitution of the United

States...or the Constitution of Maryland."

Section 4 of Article III of the Constitution of Maryland states:

"Each legislative district shall consist of adjoining territory, be compact in form, and of substantially equal population. Due regard shall be given to natural boundaries and the boundaries of political subdivisions."

One petition has been filed in this Court challenging the validity of the 2002 legislative districting plan. The Attorney General of Maryland has represented by motion filed on February 22, 2002, that there is a "high probability" that additional challenges to the validity of the legislative districting plan will be filed, and that the Court should promulgate procedures to govern all actions brought under § 5 of Article III of the Constitution of Maryland, challenging the validity of the legislative districting plan or any part thereof.

Pursuant to Article III, § 9, of the Maryland Constitution, a candidate for senator or delegate must reside in the district he or she seeks to represent for at least six months preceding the date of election.

For the 2002 elections, a candidate must take up residence in a new district by May 5, 2002. In addition, the provisions of Maryland Code (1957, 1990 Repl. Vol., 2001 Supp.), Art. 33, § 5-303, require that the statutory deadline for the filing of certificates of candidacy for election to the Senate and the House of Delegates is July 1, 2002.

Pursuant to the provisions of Maryland Code (1957, 1990 Repl. Vol., 2001 Supp.), Art. 33, § 8-201, a statewide primary election for the Senate and House of Delegates is scheduled to be held on September 10, 2002. In accordance with § 7 of Article XV of the Constitution of Maryland and Maryland Code (1957, 1990 Repl. Vol., 2001 Supp.) Art. 33, Section 8-301, a statewide general election will be held on November 5, 2002.

The petition of the Attorney General asserts that, in view of the stated time limitations and constraints, "time is of the essence" in the determination of the validity of the 2002 legislative districting plan.

The Court has concluded that an order governing the orderly conduct of proceedings challenging the 2002 legislative districting plan is in the public interest and that due notice should be given to the public of such proceedings, requiring all persons who seek to challenge the plan in any particular to file petitions in accordance with a strict schedule for the filing of pleadings, evidence, and memoranda and for a public hearing before a Special Master.

Now, therefore, it is this 1st day of March, 2002, ORDERED, by the Court of Appeals of Maryland, that

1. Any registered voter of the State may, on or before, 4:30 P.M. Monday, March 18, 2002, file a petition with the Clerk of this Court. The petition shall set forth the petitioner's objection to the plan, the particular part or parts of the plan claimed to be unconstitutional under the Maryland Constitution or federal law, the factual and legal basis for such claims, and the particular relief sought, including any alternative district configuration which may be suggested or requested by the petitioner.

2. Answers to said petitions shall be filed

not later than Friday, March 29, 2002.

3. On or before Monday, April 8, 2002, any party may file a legal memorandum (a) addressing the facial validity of the plan under Article III, §§ 4 and 5 of the Maryland Constitution or federal law, and (b) issues that should be referred to a Special Master.

4. On Thursday, April 11, 2002, the Court will hold a hearing on the facial validity of the plan and what issues should be referred to a Special Master.

5. A public hearing before a Special Master to be appointed by the Court shall be held in the Robert C. Murphy Courts of Appeal Building, 361 Rowe Blvd., Annapolis, Maryland, on Thursday, April 25, 2002, and, subject to paragraph 6 of this Order, continued from time to time until completed.

6. The Special Master shall file a Report with the Court on or before Friday, May 24, 2002.

7. Any party may file exceptions to the Report within ten days after the filing of the Report by the Special Master.

8. The Court will hold a hearing on exceptions filed to the Report of the Special Master on Monday,

June 10, 2002.

9. The deadline of May 5, 2002, for candidates to establish their residence in a new district is extended to July 1, 2002.

10. The deadline of July 1, 2002, for the filing of certificates of candidacy for election to the Senate and House of Delegates is extended to July 8, 2002.

11. The Clerk of the Court of Appeals shall give public notice of this Order by posting the Order on the Maryland judicial website, and as otherwise directed by the Court.

Chief Judge

Filed:

Alexander L. Cummings
Clerk, Court of Appeals of Maryland